

FILED

NOV 14 2011

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE**

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSHUA MOORE AND
CALA REMICK,

Defendants.

No.CR11-0709-DLJ

STIPULATION AND ~~[PROPOSED]~~
ORDER EXCLUDING TIME

SAN JOSE VENUE

On October 25, 2011, parties appeared before the court for the first Status Hearing in this matter. At that time the court continued the case until November 15, 2011 so that the discovery process could be commenced and counsel would have sufficient time to review the materials and confer with their clients. However, the court will be unavailable, in trial, on November 15. Moreover, discovery is still not complete and other non-severed co-defendants have yet to be joined, inasmuch as they have been in the process being writted, with due diligence, from state facilities and have yet to appear before the District Court. The parties therefore hereby stipulate and agree to continue the matter until November 29, 2011, and to exclusions of time under the

1 Speedy Trial Act, and that said exclusions of time are appropriate based on the defendant's need
2 for effective preparation of counsel.

3
4 SO STIPULATED: MELINDA HAAG
5 United States Attorney

6 DATED: November 14, 2011 /s/
7 THOMAS M. O'CONNELL
8 Assistant United States Attorney

9 DATED: November 14, 2011 /s/
10 VICKI YOUNG
11 Counsel for Remick

12 DATED: November 14, 2011 /s/
13 THOMAS FERRITO
14 Counsel for Moore

15 Accordingly, for good cause shown, the Court HEREBY ORDERS that the matter is
16 continued until November 29, 2011. The Court further finds that based on the defendant's need
17 for effective preparation of counsel, the ends of justice served by granting the requested
18 continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to
19 grant the requested continuance would deny defense counsel reasonable time necessary for
20 effective preparation, taking into account the exercise of due diligence, and would result in a
21 miscarriage of justice. The Court therefore concludes that this exclusion of time should be made
22 under 18 U.S.C. §§ 3161(h)(3)(A), (6) and (7)(B)(iv).

23 SO ORDERED.

24
25 DATED: NOV 14, 2011


26 D. LOWELL JENSEN
27 United States District Judge
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